1947. File No. O. Mines/47

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Legal DEPARTMENT

A BRANCH

Subject:— P&E

Opinions under the Indian Mines Act 1923

File No. O Mines/47.

Std. Sectt. Slip. 24 B e.

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C O N T E N T S.

Legal Department File No. O.Mines/1247.

Cr. No.	Compilation No.	Subject.	Pages.
		Opinions under the Indian Mines Act, 1923.	
1.	O.No.13169/20-12-47.	Bombay Mining Concession Rules, 1911, rule 4. Grant of certificate of approval.	1 - 2.

CEC/7.5.

Office of the H.L.A.

Grant of certificate of approval.
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Bombay Mining Concession Rules, 1941.

The Bombay Mining Concession Rules, 1941, are non-statutory, and there would, therefore, be no legal objection to amending Rule 4 thereof restricting the right to certain subjects only. The present rule contemplates the granting of a certificate or licence or lease to a British subject or a subject of an Indian state. The words "British subjects" and "subjects of an Indian State" are no doubt wide enough to cover persons who are now domiciled in Pakistan and are subjects of Indian States which may have acceded to Pakistan or which may not have acceded at all to either Dominion. As the legal position obtains today, it is not possible to get rid of the expression "British subject". If the intention be to exclude persons who are now domiciled in Pakistan or in the Indian States of the kind described above, the rights may be restricted to British subjects domiciled in the Dominion of India and to subjects of the States acceding to the Dominion of India. The Department should however, verify whether any such exclusion would offend against the Standstill Agreement with Pakistan or with any Indian State.

Sd/-

Encumbrancer of Legal Affairs.

U.R. to H.D.No.13189 , dated the 20th December 1947.

A.L.H.

H.L.A.

SHK/7.5.